



**Request for City Council Committee Action
From the City Attorney's Office**

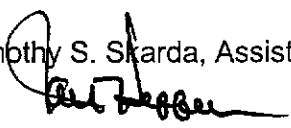
Date: September 17, 2003
To: Ways & Means/Budget Committee
Referral to: None

Subject: Linda Lachner v. City of Minneapolis Police Department, E.E.O.C. file no.265A300383

Recommendation: That the City Council approve settlement of the charge of discrimination filed by Linda Lachner, Equal Employment Opportunity Commission file no. 265A300383, in the amount of \$17,500.00, payable to her attorneys Mansfield, Tanick & Cohen, P.A.; authorize the reimbursement of tuition paid by Ms. Lachner not to exceed \$2,500.00; authorize the reinstatement of Ms. Lachner to the position of Police Sergeant and certain non-monetary relief described herein; and authorize the City Attorney to execute any documents necessary to effectuate the settlement and release of claims, payable from Fund/Org. 6900 150 1500 6750.

Previous Directives: None.

Prepared by: Timothy S. Skarda, Assistant City Attorney, 673-2553

Approved by: 
Jay M. Heffern
City Attorney

Presenter in Committee: Jay M. Heffern, City Attorney

Financial Impact (Check those that apply)

- ☐ No financial impact - or - Action is within current department budget.
(If checked, go directly to Background/Supporting Information)
- ☐ Action requires an appropriation increase to the Capital Budget
- ☐ Action requires an appropriation increase to the Operating Budget
- ☐ Action provides increased revenue for appropriation increase
- ☐ Action requires use of contingency or reserves
- ☒ Other financial impact (Explain): Payment from Fund/Org. 6900 150 1500 6750
- ☐ Request provided to the Budget Office when provided to the Committee Coordinator

Community Impact: Build Community

Background/Supporting Information

Ms. Lachner joined the Minneapolis Department as an officer in 1982. She was promoted to the position of sergeant in 1995. In 1999, Ms. Lachner made a series of complaints about her treatment within the department and the actions of her co-workers. The complaints were investigated by the department and determined to be unfounded.

During the investigation, Ms. Lachner submitted to a fitness for duty examination, was determined to not be fit for duty and was placed on medical layoff. The medical layoff was to continue until such time as she was found to be fit for duty by a city doctor or submitted documentation from her physician that she was fit for duty. On November 19, 2001, Ms. Lachner received clearance from her physician to return to work. A fitness for duty examination completed on January 4, 2002, concluded that she could return to work. She successfully completed a background investigation and was placed first on the civil service eligible list on January 6, 2002. Since January 6, 2002, the police department has not submitted a request to fill a police sergeant vacancy from the civil service list. On September 22, 2002, Ms. Lachner's name was removed from the eligible list, because she had not received an appointment within three years from the date of her medical layoff. On February 3, 2003, Ms. Lachner filed a Charge of Discrimination with the Equal Employment Opportunity Commission alleging discrimination on the basis of sex, race and national origin. Ms. Lachner is a Native American female.

As part of the EEOC dispute resolution program, the case was ordered to early mediation. Mediation sessions were held on July 18, 2003, and September 17, 2003. The mediation was attended by Director John Dejung, Minneapolis Police Department, William Champa, Human Resources Generalist assigned to the police department, and Timothy Skarda, Assistant City Attorney. The City representatives were also in contact with Police Chief Olson and representatives of Human Resources and Civil Service regarding the issues raised by Ms. Lachner. It has been the position of the City that Ms. Lachner is qualified to be a police officer and would have been reinstated as a sergeant if the department had not been subject to hiring freezes and budget constraints. However, Ms. Lachner did bring several issues to the attention of the City regarding the administration and implementation of the medical leave policy that support her position. Ms. Lachner became eligible for reinstatement shortly after sergeants were last hired. She may have been able to complete the reinstatement process prior to the hiring, had she known that hiring was contemplated.

Initially, Ms. Lachner requested reinstatement and the payment of \$95,000.00 in back wages and benefits. A proposed settlement was reached involving the payment of \$17,500.00 directly to her attorneys for fees and costs. Additionally, Ms. Lachner at her own expense attended and paid for training to maintain her peace officer's license. The proposed settlement contemplates reimbursing Ms. Lachner for those documented training expenses capped at \$2,500.00. Ms. Lachner will return to work as a police sergeant on October 1, 2003, assigned to Administrative Services, pending approval of this proposed settlement; satisfactory completion of an updated background investigation required of all officers returning from leaves of absence and completion of any additional mandatory training required by the department. Within 30 days after completion of the above requirements Ms. Lachner would be assigned to an open position of her choosing as an investigative sergeant. It is the practice of the department to assign sergeants returning from leaves of absence to investigation positions. Ms. Lachner was an investigator before her leave and prefers to return as an investigator. Ms. Lachner will release all claims that she may have against the City arising from her employment from her initial date of hire to the date of this agreement.

The proposed settlement is recommended by all City representatives involved in the mediation and approved by the Chief of Police. Ms. Lachner was caught in an unfortunate and unique situation that prevented a qualified and eligible employee from returning to work after the satisfaction of all requirements imposed by the City. The proposed settlement also avoids the potential costs of additional litigation which can be substantial in employment litigation especially where the employee is off work and asserts a growing wage loss claim.